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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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DAVID WESTLEY KELSEY,

Plaintiff,

*versus*

SR. WARDEN VILLALOBOS, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:25-CV-138

**ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff David Westley Kelsey, a prisoner confined at the Jester III Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. On June 20, 2025, the magistrate judge recommended dismissing the action without prejudice for want of prosecution. Proper notice was sent to Plaintiff at his last known address. *See* FED. R. CIV. P. 5(b)(2)(C). To date, the parties have not filed objections to the magistrate judge's Report and Recommendation.

The court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge (#13) is **ADOPTED**. A final judgment will be entered in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 18th day of July, 2025.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE